

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**GERARDO ARANDA, GRANT BIRCHEMEIER,  
STEPHEN PARKES, and REGINA STONE,  
individually and on behalf  
of all others similarly situated,**

**Plaintiffs,**

**v.**

**CARIBBEAN CRUISE LINE, INC., ECONOMIC  
STRATEGY GROUP, ECONOMIC STRATEGY  
GROUP, INC., ECONOMIC STRATEGY, LLC,  
THE BERKLEY GROUP, INC. and VACATION  
OWNERSHIP MARKETING TOURS, INC.,**

**Defendants**

**NO. 1:12-CV-04069**

**Honorable Matthew F. Kennelly**

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**OBJECTOR FREEDOM HOME CARE, INC.'S MOTION FOR LEAVE TO APPEAR  
AT FAIRNESS HEARING AND MOTION FOR ALLOCATION OF FIFTEEN  
MINUTES TO PRESENT ARGUMENT**

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Class Member and Objector Freedom Home Care, Inc. moves for leave to appear through its attorneys at the February 23, 2017 fairness hearing, and respectfully requests that its attorneys be allocated fifteen minutes to present argument.<sup>1</sup>

1. On January 23, 2017, Freedom Home Care, Inc. timely filed its objection to class counsels' fee request for 33% of a fund between \$56 million and \$76 million. As Objector observed, the proposed \$17.9-\$24.5 million fee varies dramatically from the sliding-scale approach recognized in this District for large TCPA settlements. *See Gehrich v. Chase Bank USA, N.A.*, 316 F.R.D. 215, 222, 237-38 (N.D. Ill. 2016); *Craftwood Lumber Co. v. Interline Brands, Inc.*, 11-CV-4462, 2015 WL 2147679, at \*1-5 (N.D. Ill. May 6, 2015); *Wilkins v. HSBC Bank Nevada, N.A.*, 14 C 190, 2015 WL 890566, at \*9 (N.D. Ill. Feb. 27, 2015); *In re Capital One Tel. Consumer Prot. Act Lit.*, 80 F. Supp. 3d 781, 804-05 (N.D. Ill. 2015).

2. Thereafter, Defendants filed a response to Plaintiffs' Motion for Attorneys' Fees on February 3, 2017, echoing, *inter alia*, Freedom Home Care Inc.'s call for application of a diminishing marginal fee scale, which results in a far more reasonable fee between \$11.7 million and \$14.7 million.

3. The Final Approval Hearing in this matter is scheduled for February 23, 2017 at 9:30 a.m.

4. Freedom Home Care, Inc. respectfully requests leave to appear at the fairness hearing. Although Objector initially indicated it did not intend to appear at the hearing, after reviewing additional authority, Defendant's response, and in anticipation of a reply filed by class counsel, Objector now believes it would be beneficial for the Court to hear argument from its counsel.

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<sup>1</sup> Freedom Home Care, Inc. respectfully requests that this Court submit this Motion for Leave on the briefs without oral argument. Alternatively, Freedom Home Care, Inc. requests that its attorneys be permitted to appear telephonically for the hearing on its Motion for Leave.

Accordingly, to assist the Court in considering class counsels' substantial fee request, which Freedom Home Care respectfully urges is contrary to the best interests of the class, Freedom Home Care, Inc. moves for leave of Court to appear at the fairness hearing by and through its attorneys.

5. Freedom Home Care, Inc. would further request that it be allocated fifteen minutes to present argument at the fairness hearing and to address relevant authority concerning class counsels' fee application.

## CONCLUSION

WHEREFORE, Class member and objector Freedom Home Care, Inc., therefore, respectfully requests that this Court grant it leave to appear through counsel at the fairness hearing on February 23, 2017, and further that counsel for Freedom Home Care, Inc. be allocated fifteen minutes to present argument.

Dated: February 10, 2017

Respectfully submitted,

*/s/ Christopher A. Bandas*  
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*Attorneys for Objector Freedom Home Care, Inc.*

**Certificate of Service**

The undersigned certifies that today he filed the foregoing MOTION FOR LEAVE TO APPEAR AT FAIRNESS HEARING AND MOTION FOR ALLOCATION OF FIFTEEN MINUTES TO PRESENT ARGUMENT on ECF which will send electronic notification to all attorneys registered for ECF-filing.

DATED: February 10, 2017

/s/ Christopher A. Bandas

Christopher A. Bandas